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Pat. No: 5,214,409 Issue Date: 05/25/93  
App. No: 08/152, Filing Date: 12/03/91 Docket No: 9

Petition under 37 CFR 1.378(c);  
 Check for \$1150.2110 (R.M.)  
Mailed: 06/24/97  
Received by USPTO:



**ROBERT E. MALM, Ph.D.**

ATTORNEY AT LAW

## PATENTS, TRADEMARKS, AND COPYRIGHTS

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**FAX COVER SHEET**

**TO:** USPTO, OFFICE OF PETITIONS      **FAX:** 703 308 6916  
ATT: HOWARD WILLIAMS

**FROM:** ROBERT E. MALM

**SUBJECT:** STATUS OF PETITION

**DATE:** OCTOBER 16, 1997

**THIS FAX INCLUDES THIS COVER PAGE PLUS 4 ADDITIONAL PAGES.**

**MESSAGE**

On June 24, 1997, I filed a petition to accept unintentionally delayed payment of maintenance fee in an expired patent (see accompanying copy of petition and postcard receipt).

I talked today to Mr. Williams who informed me that there was no record of the petition in the patent office computers.

Please check into this and rectify the problem if one exists.

Enc: 3-page petition

postcard indicatin receipt of petition by PTO.

**IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL THE SENDER AS SOON AS POSSIBLE. THANK YOU.**

FAX RECEIVED  
OCT 1, 1997  
PETITIONS OFFICE

**COMPLETED**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

H1 AD/AD/100  
125/100 X MApproved for use through 7/31/99. OMB 0651-0016  
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE**PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT  
OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))**

Docket Number (Optional)

9109

Mail to: Assistant Commissioner for Patents  
 Box DAC  
 Washington, D.C. 20231

**JUN 27 1997**

PT. & TRADEMARK OFF.

283/510  
188/1600

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703)305-9282.

Patent No. 5214409Application Number 07801749Issue Date 05/25/93Filing Date 12/03/91

**CAUTION:** Mandatory Identifiers: Maintenance fee (and surcharge, if any) payment must correctly identify:  
 (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent. 37 CFR 1.366(c) and (d).

Also complete the following information, if applicable

The above-identified patent:

- is a reissue of original Patent No. \_\_\_\_\_, original issue date \_\_\_\_\_, original application number \_\_\_\_\_, original filing date \_\_\_\_\_.
- resulted from the entry into the U.S. under 35 U.S.C. 371 of international application \_\_\_\_\_ filed on \_\_\_\_\_.

**RECEIVED**  
 JUL 24 1997  
 OFFICE OF PETITIONS  
 142 PATENTS

**CERTIFICATE OF MAILING (37 CFR 1.8(a))**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

June 24, 1997  
DateRobert E. Malm  
Signature**ROBERT E. MALM**

Typed or printed name of person signing Certificate

07/23/1997 GHINTON 00000010 5214409  
 01 FC:284 510.00 OP  
 02 FC:184 1600.00 OP

[Page 1 of 3]

Burden Hour Statement: This form is estimated to take 1.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 1. SMALL ENTITY

 Attached herewith is a verified statement establishing small entity status.

OR

 A verified statement establishing small entity status for this patent has been filed and it is confirmed that the current owner of this patent still qualifies for small entity status.

## 2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

NOTE: 37 CFR 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in...patent prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate pursuant to Section 1.19 of this part." From the wording of 37 CFR 1.28(a): notification of change of status (a) must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity. See also 37 CFR 1.366(f).

 The status of this patent has changed from that of small entity to other than that of small entity.

## 3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/>	\$ _____	3 1/2 yr fee	<input checked="" type="checkbox"/>	\$ 510	3 1/2 yr fee
<input type="checkbox"/>	\$ _____	7 1/2 yr fee	<input type="checkbox"/>	\$ _____	7 1/2 yr fee
<input type="checkbox"/>	\$ _____	11 1/2 yr fee	<input type="checkbox"/>	\$ _____	11 1/2 yr fee
		(183)			(283)
		(184)			(284)
		(185)			(285)

MAINTENANCE FEE BEING SUBMITTED \$ 510

## 4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) of 1600 (Fee Code 188) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.SURCHARGE BEING SUBMITTED \$ 1600

## 5. MANNER OF PAYMENT

 Enclosed is a check for the sum of \$ 2110. Please charge Deposit Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_\_. A duplicate copy of this authorization is attached.

## 6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

 The Commissioner is hereby authorized to charge any maintenance fee, surcharge or petition deficiency to Deposit Account No. 13-1239. A duplicate copy of this authorization is attached.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**7. OVERPAYMENT**

As to any overpayment made please

Credit to Deposit Account No. 13-1239

OR

Send refund check.

**8. STATEMENT**

The delay in payment of the maintenance fee to this patent was unintentional.

**9. PETITIONER(S) REQUESTS THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.**June 24, 1997

Date

Robert E. Malm

Signature(s) of Petitioner(s)

(310) 459 8728

Telephone Number

ROBERT E. MALM

Typed or printed name(s)

16624 PEQUENO PLACE

Address

PACIFIC PALISADES, CA 90272**ENCLOSURES:**

- Maintenance Fee payment
- Small Entity Status Form
- Surcharge
- 

**NOTE:** 37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest. Such petition must be in the form of a verified statement if made by a person not registered to practice before the Patent and Trademark Office." Accordingly, the following declaration must be signed by any and all parties not registered to practice before the Patent and Trademark Office and presenting statements concerning the cause of delay.

The undersigned declares that the following statements made of his/her own knowledge are true, and that these statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the patent.

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Date

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Signature

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Typed or printed name